

REMARKS

Claims 1-10 are pending in this application.

Claims 1-4 have been amended to indicate that the body taste improver is for foods hardly containing fat or oil. Support for this amendment can be found in the Specification on page 8, lines 5-7 and line 32 to page 9, line 2, as well as on page 4, line 25.

Claims 1-4 have also been amended to indicate that at least one decomposed substance of an n-6 highly unsaturated fatty acid with 18 or more carbon atoms and 3 or more double bonds is present or alternatively, an n-3 long-chain highly unsaturated fatty acid with 20 or more carbon atoms and 3 or more double bonds is present, or an ester thereof obtained by oxidation via heating. Support for the amendment can be found in the Specification on page 5, lines 12-16; page 6, line 33 to page 7, line 9; Example 1 beginning on page 10, line 15; Example 2 beginning on page 12, line 3; Example 3 beginning on page 12, line 32; Example 4 beginning on page 14, line 1; and Example 5 beginning on page 14, line 26.

Claim 5 has been amended to correct typographical errors.

Claim 9 has been amended to indicate that the n-6 long-chain highly unsaturated fatty acid is not derived from animal fat and oil. Support for the amendment can be found in the Specification on page 5, lines 24-26.

New claim 11 finds support in the Specification on page 7, lines 19-21.

New claim 12 find support in the Specification in Examples 1-6, pages 10, line 15 to page 15, line 36.

New claims 13 and 14 find support in the Specification on page 8, lines 5-7.

No new matter has been added.

Rejections Under 35 USC § 102(b)*van Dorp (US 3,686,003)*

The Examiner has rejected claims 1, 2 and 5-10 as anticipated by van Dorp (US 3,686,003). The Examiner contends that van Dorp discloses flavoring foods with the decomposition product of arachidonic acid, a flavoring ingredient which is an aliphatic aldehyde having from 11-17 carbon atoms and 2-4 double bonds. She also contends that trideca-2...4,7-trienal is one of the products and that linolenic acid is cited as a precursor for the flavoring agent in Example 12. Applicants respectfully traverse.

Applicants first note that the present invention is for a composition that is added to foods hardly containing fat and oil in order to improve the body taste. The invention of van Dorp relates to a method of flavoring a foodstuff, not improving the body taste. As described at column 3, lines 48-52, the method is particularly applicable to the preparation of foodstuff having an improved flavor of chicken and can be applied to improve the natural flavor of chicken meat. All of the foodstuffs to be flavored in the van Dorp Examples are related to chicken noodle soup, chicken soup and chicken dry soup mixture. As can be seen from the list in Example 20 of van Dorp, these foods contain a significant amount of fat. Thus, Applicants respectfully request reconsideration and removal of the rejection.

Simmons (EP0463660)

The Examiner has rejected claims 1-4, 6, 7 and 10 as anticipated by Simmons (EP0463660). The Examiner contends that Simmons discloses preparing flavoring mixtures from mixtures of fatty acids in water and that the tables starting at page 5 show the aldehyde content of the product to include aldehydes containing 10-15 carbon atoms as well as aldehydes having two or more double bonds. Applicants respectfully traverse.

Applicants note that, like van Dorp, Simmons is directed to increasing the flavor of foodstuffs, not to improving the body taste as is the instant invention. For example, the dry chicken flavoring of Example 19 contains treated chicken meat powder while the dry fish

flavoring of Example 18 contains fish powder, both of which contain significant amounts of fat and/or oil. This is different from the instant invention which improves the body taste of foods hardly containing any fat or oil, such as Japanese-style clear soup, soybean soup, consommé and Chinese-style soup. In view of the above, Applicants respectfully request reconsideration and removal of the rejection.

Rejections Under 35 USC § 103

The Examiner has rejected claims 3 and 4 as obvious over van Dorp (US 3,686,003). The Examiner's contentions are set forth above. The Examiner acknowledges, however, that the claims differ from van Dorp in that van Dorp recites the amount of flavoring used in the food. The Examiner concludes that it would have been obvious to one of skill in the art to include enough of the precursor arachidonic acid in a food composition in order to provide an appropriate amount of flavoring agent to food and points to Example 8, where more than 1% of arachidonic acid is used to create flavoring for chicken soup. Applicants respectfully traverse.

Applicants again point out that van Dorp is directed to improvement of chicken flavoring in foods containing chicken and a relatively high fat or oil content. It is not directed to improving the body taste of foods hardly containing any fat or oil, such as Japanese-style clear soup, soybean soup, consommé and Chinese-style soup. Because van Dorp discloses improvement of "savory flavor" and all of the Examples presented are chicken based, Applicants submit that one skilled in the art would not have had a reasonable expectation of success in improving the body taste of foods which contain hardly any fat or oil. Consequently, Applicants respectfully request reconsideration and removal of the rejection.

Conclusion

In view of the above, all of the claims are submitted as defining non-obvious, patentable subject matter. Reconsideration of the rejections and allowance of the claims are respectfully requested.

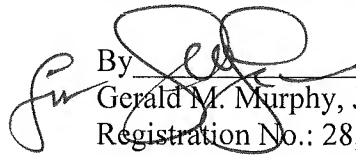
The Commissioner is hereby authorized to charge Deposit Account No. 02-2448 in the amount of \$490 for payment of the fee under 37 C.F.R. §1.17(a)(2) for an extension of time for filing a response within the second (2nd) month.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Susan W. Gorman (Reg. No. 47,604) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: January 19, 2010

Respectfully submitted,

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